

1 Rule 1-201. Membership - Election.

2 Intent:

3 To establish the manner of election of Council members as authorized by statute.

4 To establish the procedure for filling a vacancy on the Council as authorized by statute.

5 Applicability:

6 This rule shall apply to all elected members of the Council. This rule shall not apply to the  
7 Chief Justice of the Supreme Court.

8 This rule shall apply to the Boards of Judges and the Board of Commissioners of the Utah  
9 State Bar.

10 As used in this rule, unless the context indicates otherwise, "Board" includes the Boards of  
11 Judges and the Board of Commissioners of the Utah State Bar.

12 Statement of the Rule:

13 (1) The composition of the Council, the term of office of elected Council members, and the  
14 electorate of elected Council members shall be as prescribed by law. The term of office of all  
15 elected Council members shall begin with the October meeting of the Council.

16 (2) Election of Council members from courts of record shall take place at the annual judicial  
17 conference. Election of Council members from courts not of record shall take place at the annual  
18 spring training conference of the justice court judges. Election of the representative of the Utah  
19 State Bar shall take place at a regularly scheduled meeting of the Board of Commissioners.

20 (3)(A) If a judicial member of the Council who represents a trial court is unable to complete  
21 a term of office, the Board for the court represented by that member shall appoint a judge to  
22 serve on the Council until the next judicial conference or the next spring training conference as  
23 the case may be. At such conference, the judges shall elect a member to the Council to serve for  
24 the unexpired portion of the original term. If a judicial member of the Council who represents an  
25 appellate court is unable to complete a term of office, the members of that court shall appoint a  
26 judge to serve on the Council until the expiration of the vacated term.

27 (3)(B) If the representative of the Utah State Bar is unable to complete a term of office, the  
28 Board of Commissioners shall elect a member or ex officio member of the Board of  
29 Commissioners to serve for the unexpired portion of the original term.

30 (3)(C) No person shall serve on the Judicial Council for more than two consecutive terms and  
31 the remainder of a predecessor's term.

32 (4) The Boards shall develop procedures for the nomination and election of Council members  
33 and shall certify to the Council the names of the members elected. The Boards shall give due  
34 regard to geographic representation, security of the election, timely publication of Council  
35 vacancies or expired terms, and ease of administration.

36 (5) When a judicial member of the Council is unable to attend a Council meeting, that  
37 member may designate a judge from the same level of court to attend the Council meeting and  
38 observe the proceedings. When the representative of the Utah State Bar is unable to attend a  
39 Council meeting, that member may designate a member or ex officio member of the Board of  
40 Commissioners to attend the Council meeting and observe the proceedings. The designee shall  
41 be provided with a copy of the Council agenda and other meeting materials, and may attend the  
42 open and closed sessions of the meeting. The designee may ~~respond to questions but may not~~  
43 participate in the general discussion of agenda items; but may not make motions or vote on  
44 Council issues.

45 (6) Council members or their designated substitutes may be reimbursed for actual and  
46 necessary expenses incurred in the execution of their duties as Council members.

47 (7) Council members shall not be eligible to serve as voting members of the Boards of Judges  
48 or to serve as members of the standing committees of the Council. The representative of the Utah  
49 State Bar may vote at meetings of the Board of Commissioners if permitted to vote under rules  
50 governing the conduct of the Board of Commissioners.

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